

**Senate File 2308 - Introduced**

SENATE FILE 2308  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2021)

**A BILL FOR**

1 An Act relating to protections for persons with mental illness  
2 in a dissolution of marriage action.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.5, subsection 1, Code 2009, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. 1. State that the respondent has no mental  
4 illness that prevents the respondent from obtaining legal  
5 counsel, entering a general or special appearance, or filing a  
6 motion or pleading in the case.

7 Sec. 2. Section 598.8, subsection 2, paragraph a, Code 2009,  
8 is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (4) The petitioner has stated in the  
10 petition, as verified by the petitioner and established by  
11 competent evidence, that the respondent has no mental illness  
12 that prevents the respondent from obtaining legal counsel,  
13 entering a general or special appearance, or filing a motion  
14 or pleading in the case.

15 Sec. 3. Section 598.8, subsection 2, paragraph b, Code 2009,  
16 is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (3) The petitioner has stated in the  
18 petition, as verified by the petitioner and established by  
19 competent evidence, that the respondent has no mental illness  
20 that prevents the respondent from obtaining legal counsel,  
21 entering a general or special appearance, or filing a motion  
22 or pleading in the case.

23 Sec. 4. Section 598.21, subsection 5, paragraph d, Code  
24 Supplement 2009, is amended to read as follows:

25 *d.* The age and physical, mental, and emotional health of the  
26 parties.

27 Sec. 5. Section 598.21A, subsection 1, paragraph b, Code  
28 2009, is amended to read as follows:

29 *b.* The age and physical, mental, and emotional health of the  
30 parties.

31 EXPLANATION

32 This bill requires that a petition for dissolution of  
33 marriage state that the respondent does not have a mental  
34 illness that prevents the respondent from obtaining legal  
35 counsel, entering a general or special appearance, or filing

1 a motion or pleading in the case. Current law provides that a  
2 petitioner must verify the petition and the allegations of the  
3 petition must be established by competent evidence. The bill  
4 also requires that in order for the court to enter a decree of  
5 dissolution without a hearing, one of the criterion that must  
6 be met is for the petitioner to have stated in the petition,  
7 as verified by the petitioner and established by competent  
8 evidence, that the respondent has no mental illness that  
9 prevents the respondent from obtaining legal counsel, entering  
10 a general or special appearance, or filing a motion or pleading  
11 in the case.

12 The bill also provides that in division of the property of  
13 the parties and in granting spousal support, the court must  
14 consider the mental health of the parties in addition to the  
15 age and physical and emotional health of the parties.